



#5
1731 PPD
11-2301

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PTO/BB/21 (08-00)

Approved for use through 10/31/2002, OMB 0591-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/810,815
	Filing Date	March 16, 2001
	First Named Inventor	Andreas BURGARD
	Group Art Unit	1731
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	00/067 NUT

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation/ Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="text-align: right; transform: rotate(-45deg);">RECEIVED AUG 07 2001 TO 1731</div>
Remarks FORM 1449A/PTO with European Search Report and cited references		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Klaus Schweitzer, ProPat LLC (Limited Recognition Form)
Signature	<i>K. Schweitzer</i>
Date	July 30, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>7/30/01</u>			
Typed or printed name	Claire N. Wygand		
Signature	<i>Claire N. Wygand</i>	Date	July 30, 2001

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#5 *plw*
11-2301
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE PATENT OPERATIONS

Art Unit: 1714 Examiner: E. Cain
Applicants: Andreas BURGARD *et al.*
Application No. 09/810,815
Filed: March 16, 2001
Title: Nicotine Salts Having Improved Taste, Process for Their Preparation and Their Use

Charlotte, North Carolina
July 30, 2001

Honorable Commissioner for Patents
Washington, DC 20231

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Dear Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to Rule 56 and Rule 97 *et seq.*, Applicant hereby submits the attached Form PTO-1449 and the references listed thereon. The relevancy of each reference is disclosed in the attached European Search Report.

Applicant certifies, pursuant to Rule 97(e), that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

Applicant respectfully requests that each reference be reviewed and made of reference in the instant application.

Respectfully submitted,

K. Schweitzer

Klaus Schweitzer
See attached Limited Liability Recognition Form
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Attorney's Docket No. 00/067 NUT



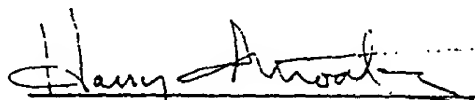
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This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: November 30, 2001


Harry I. Moatz
Director of Enrollment and Discipline

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Département à
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05. Juli 2001
Zounek

Zk ☒ Sw ☐ Pt ☐ HD ☐ ☐

Datum/Date

04.07.01

Zeichen/Ref./Réf.

00/067 NUT

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.

01105450.9-1211-

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

Nutrinova Nutrition Specialties & Food Ingredients GmbH

MITTEILUNG

Das Europäische Patentamt übermittelt beiliegend den europäischen Recherchenbericht zu der obengenannten europäischen Patentanmeldung.

Wenn zutreffend, Kopien der im Recherchenbericht aufgeführten Schriften sind beigelegt.

☐ Zusätzliche Kopie(n) der im europäischen Recherchenbericht angeführten Schriftstücke sind beigelegt.

Die folgenden Angaben des Anmelders wurden von der Recherchenabteilung genehmigt:

☒ Zusammenfassung

☐ Bezeichnung

☐ Die Zusammenfassung wurde von der Recherchenabteilung abgeändert und der endgültige Wortlaut ist dieser Mitteilung beigelegt.

Die folgende Abbildung wird mit der Zusammenfassung veröffentlicht:

KEINE

CN, TR, US
Frist notiert per : 5.8.01 / 50

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RÜCKERSTATTUNG DER RECHERCHENGEBÜHR

Falls Artikel 10 der Gebührenordnung in Anwendung kommt, ergeht noch eine gesonderte Mitteilung der Eingangsstelle hinsichtlich der Rückerstattung der Recherchegebühr.



EINSCHLÄGIGE DOKUMENTE			
Kategorie	Kennzeichnung des Dokuments mit Angabe, soweit erforderlich, der maßgeblichen Teile	Betrifft Anspruch	KLASSIFIKATION DER ANMELDUNG (Int.Cl.7)
A,D	US 5 488 962 A (PERFETTI GEORGIO) 6. Februar 1996 (1996-02-06) * das ganze Dokument *	1,8,9	C07D401/04 C07D291/06 C07D275/06 A23L1/236 A61K31/4427 A61K9/00 A61K31/54 A24B15/00
A,D	WO 97 41843 A (AVANT GARDE TECHNOLOGIES & PRO) 13. November 1997 (1997-11-13) * Anspruch 12 *	1,8,9	
A,D	WO 99 04822 A (SERES ISTVAN ;CHINOIN GYOGYSZER ES VEGYESZET (HU); LEDNICZKY LASZL) 4. Februar 1999 (1999-02-04) * Ansprüche 1,23; Beispiele *	1,8,9	
A,D	WO 00 12067 A (SQUIBB BRISTOL MYERS CO) 9. März 2000 (2000-03-09) * Ansprüche 1,2 *	1,8,9	
A	CHEMICAL ABSTRACTS, vol. 101, no. 19, 5. November 1984 (1984-11-05) Columbus, Ohio, US; abstract no. 167543, TRENKER, ADY: "Sucking composition for stopping smoking" XP002170271 * Zusammenfassung * & BE 899 037 A (BELG.) 18. Juni 1984 (1984-06-18)	1,8,9	RECHERCHIERTE SACHGEBIETE (Int.Cl.7) C07D A23L A61K A24B
A,P	WO 00 35296 A (CORRIVEAU CHRISTINE L ;GREENBERG MICHAEL J (US); RUSSELL MICHAEL P) 22. Juni 2000 (2000-06-22) * Ansprüche 2,6,13 *	1,8,9	
Der vorliegende Recherchenbericht wurde für alle Patentansprüche erstellt			
Recherchenort DEN HAAG		Abschlußdatum der Recherche 21. Juni 2001	Prüfer Bosma, P
KATEGORIE DER GENANNTEN DOKUMENTE			
X : von besonderer Bedeutung allein betrachtet Y : von besonderer Bedeutung in Verbindung mit einer anderen Veröffentlichung derselben Kategorie A : technologischer Hintergrund O : mündliche Offenbarung P : Zwischenliteratur		T : der Erfindung zugrunde liegende Theorien oder Grundsätze E : älteres Patentdokument, das jedoch erst am oder nach dem Anmeldedatum veröffentlicht worden ist D : in der Anmeldung angeführtes Dokument L : aus anderen Gründen angeführtes Dokument & : Mitglied der gleichen Patentfamilie, übereinstimmendes Dokument	

**ANHANG ZUM EUROPÄISCHEN RECHERCHENBERICHT
ÜBER DIE EUROPÄISCHE PATENTANMELDUNG NR.**

EP 01 10 5450

In diesem Anhang sind die Mitglieder der Patentfamilien der im obengenannten europäischen Recherchenbericht angeführten Patentdokumente angegeben.
Die Angaben über die Familienmitglieder entsprechen dem Stand der Datei des Europäischen Patentamts am
Diese Angaben dienen nur zur Unterrichtung und erfolgen ohne Gewähr.

21-06-2001

Im Recherchenbericht angeführtes Patentdokument	Datum der Veröffentlichung	Mitglied(er) der Patentfamilie	Datum der Veröffentlichung
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EPO FORM P0461

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/US 99/19978

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/64 A61K9/28 //(A61K31/64,31:155)

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 97 17975 A (GENTILI IST SPA ;BARELLI GIULIO (IT); REGIS MASSIMO DE (IT)) 22 May 1997 (1997-05-22) page 18, line 22 -page 20, line 1 page 20; example 1 ---	1-3,5, 8-10, 17-24
Y	WO 96 40080 A (ANDRX PHARMACEUTICALS INC) 19 December 1996 (1996-12-19) page 4, line 5 -page 5, line 26 page 5, line 34 page 12 -page 13; example 2 ---	1-3,5, 8-10, 17-24
A	WO 96 08243 A (BOEHRINGER MANNHEIM GMBH ;MOECKEL JOERN (DE); GABEL ROLF DIETER (D) 21 March 1996 (1996-03-21) page 4, line 15 -page 5, line 24 claim 1 ---	1-27
-/--		

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"A" document member of the same patent family

Date of the actual completion of the international search

4 February 2000

Date of mailing of the international search report

10/02/2000

Name and mailing address of the ISA

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Fax: (+31-70) 340-3016

Authorized officer

Boulots, D

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/US 99/19978

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 591 454 A (KUCZYNSKI ANTHONY L ET AL) 7 January 1997 (1997-01-07) cited in the application column 7 -column 8; example 1 -----	1-27
A	DE 21 24 256 A (DR CHRISTIAN BRUNNEGRÄBER CHEMISCHE FABRIK & CO GMBH) 30 November 1972 (1972-11-30) page 4; example 1 -----	1-17

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 99/19978

Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 1
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 1

Present claim 1 relate to products defined by reference to a desirable characteristic or property, namely their pharmacological profiles ("antihyperglycemic" and "hypoglycemic"). However a compound cannot be defined exhaustively by its pharmacological profile or by its mechanism of action. Moreover, the use of the two expressions "antihyperglycemic" and "hypoglycemic" is confusing and does not correspond to a known and recognized pharmacological class.

The claims cover all compounds having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compounds by reference to their pharmacological profiles. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to the compounds claimed in claims 2-7, and those mentioned in the description at page 5 line 19 to page 6, line 9.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORT

information on patent family members

International Application No

PCT/US 99/19978

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9717975 A	22-05-1997	IT MI952337 A	14-05-1997
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